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TIMOTHY K. WEBB, Ed.D.
ACTING COMMISSIONER

TO: Directors of Special Education
FROM: Bill Wilson, Attorney *BW*
DATE: March 4, 2008
RE: Educational Placements for Children with Disabilities

The purpose of this memorandum is to provide guidance to local education agencies on the matter of educational placements and locations for special education and related services for children with disabilities.

It has come to the attention of the Division of Special Education that local education agencies are being presented with orders from juvenile courts directing educational placements for children with disabilities and physical locations for special education and related services for children with disabilities within local education agencies.

Pursuant to 20 U.S.C. §1412(a)(5) and 34 C.F.R. §300.114 - 117, educational placements for children with disabilities are determined by the child's individualized education program (IEP) team. In *Letter to Wessels*, 16 IDELR 735, (1990), the United States Department of Education's Office of Special Education Programs stated that the determination of the specific location where a child with a disability will receive special education and related services is an administrative decision to be made by local education agency administrators, as long as the child receives the special education and related services provided in the child's IEP.

Based on the foregoing federal statute and regulations, the determination of educational placements for children with disabilities must be made by the child's IEP team and the determination of the physical location for special education and related services for children with disabilities must be made by local education agency administrators.